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OFFICE OF PETITIONS

In re Application of
Michael Tombs, et al.
Application No. 10/044,798
Filed: January 10, 2002
Attorney Docket No. 211/New

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 26, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The two-month period for filing an appeal brief in triplicate (accompanied by the fee required by 37 CFR 1.17(c)), runs from the date of this decision.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed February 17, 2005, which set a shortened statutory period for reply of three (3) months. A three-month extension of time under the provisions of 37 CFR 1.136(a) was obtained. An Advisory action was mailed September 7, 2005 indicating that the reply filed on August 17, 2005 failed to place the application in condition for allowance. Accordingly, the application became abandoned on August 18, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal; (2) the petition fee of \$1,500; and (3) the required statement of unintentional delay have been received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

The application matter is being referred to Technology Center 1700, Art Unit 1734 for further processing.

Retta Williams
Petitions Examiner
Office of Petitions